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September 24, 2008

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Notice of Ex Parte Communication**  
**MM Docket No. 00-168**  
**MB Docket No. 04-233**  
**MB Docket No. 05-49**

Dear Ms. Dortch:

We are writing on behalf of our client, the **Louisiana Association of Broadcasters** (the "LAB"), to give notice that on September 22, 2008, a meeting was held in the offices of the Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554 among Commissioner Michael J. Copps and Rick Chesson, Legal Advisor to the Commissioner, and certain representatives of the Louisiana broadcast industry.

Representing the Louisiana broadcast industry were the following individuals: Irene Robinson - KWCL-FM, Oak Grove; Jim Serra and Paul McTear, Jr. - KPLC-TV, Lake Charles; Tom Gay - KFNV-FM, Ferriday, KJNA, Jena, KMAR-TV, Winnsboro and KAPB-FM, Marksville; Dick Lewis - KSTE-FM, WNOE-FM, WODT(AM), WQUE-FM, WRNO-FM and WYLD(AM & FM), New Orleans; George Sirven - KPXJ-TV and KTBS-TV, Shreveport; Mike Barras - KLFY-TV, Lafayette; and the undersigned General Counsel of the LAB.

A summary of the subjects discussed during that meeting, and of the points made concerning each topic, is provided below:

1. Localism. The high degree of competition faced by broadcasting today eliminates the need for rules such as those proposed in the FCC's current localism proceeding. Broadcasters already rely on the fact that localism is their only means of differentiating free, over-the-air broadcasting from cable television and satellite television. Broadcasters are performing substantial community service on an ongoing basis. Permanent advisory boards are unnecessary because broadcasters must already pay close attention to local issues and events in order to survive. Broadcasters commonly visit weekly with mayors, police chiefs, heads of chambers of commerce and other leaders of communities within their service areas to obtain news stories. Broadcasters will be caused great financial harm if they must relocate their presently-compliant main studios. Requiring stations to staff their main studios or transmission

facilities during overnight hours will force many stations off the air during those hours to avoid substantial additional staffing costs, thus reducing local public service. Radio broadcasters frequently air local artists.

A localism value to the public of radio consolidation is clearly demonstrated during the harshest of disasters. The ability to broadcast life-saving information can at times be a function of having adequate financial resources. For example, while New Orleans was dealing with the aftermath of Hurricane Katrina by launching UNITED RADIO from the station studios of Clear Channel Radio, Inc. ("Clear Channel") in Baton Rouge, Hurricane Rita struck Southwestern Louisiana. Hurricane Rita completely knocked out all radio broadcast service in Lake Charles, Louisiana. When help for Lake Charles broadcasters was requested by the Louisiana Association of Broadcasters, Clear Channel New Orleans/Baton Rouge immediately dispatched two engineering teams to Lake Charles with generators, fuel and repair equipment to return those stations on air, even though Clear Channel does not own any stations in the Lake Charles market.

This year when New Orleans' only Spanish language broadcast station KGLA lost power during Hurricane Gustov, Clear Channel New Orleans offered to broadcast KGLA's Spanish language programming on one of Clear Channel's stations. At the same time, Clear Channel also sent an engineering crew to the generator site of KGLA to assist in getting KGLA back on the air.

The ability to be on the air during the worst of times is a value of consolidation, provided by permitting a robust infrastructure to be in place before a disaster erupts and then having the technical ability, engineers on the ground, backed with equipment, fuel and determination, to keep stations on air during an emergency. No one local broadcaster can financially afford this level of preparedness.

2. Enhanced Disclosure Requirements. The exhausting program listings, ascertainment information and amounts of closed captioning programs and video description required by FCC Form 355 will impose substantial additional burdens on TV licensees without providing any practical benefit. Public inspection files should not be required to be posted on station web sites. The public seldom seeks access to such files, yet the cost of digitizing them is significant, particularly for small market broadcasters, who may be forced to eliminate station web sites if such a requirement is imposed.

3. Satellite/Local to Local. The public in small television markets are being put at risk of losing reception of their local TV service by the refusal of DirecTV and EchoStar/DISH to act on retransmission approval of local stations' signals. In markets such as Lake Charles, Louisiana, neither provider includes either analog or digital local television service on their satellite-fed lineup, but they mislead area satellite subscribers to believe that they will get local service. They also tell satellite subscribers there that they must disconnect their television antennas to receive satellite service. Most of these households are located in areas that do not have access to cable service, so the satellite carriers have an effective monopoly. In order to prevent broadcasters in the Lake Charles, LA, market and elsewhere from potentially losing up to 40% of their viewers, which would force a significant reduction of their ability to serve the public, the local-into-local deadline of 2013 should be accelerated in all markets to the analog shut-off date of February 17, 2009. Doing so will also ensure the safety of all Americans, no

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matter where they live, since many viewers rely on local television stations to provide a lifesaving link during emergencies, as was proven in Southwest Louisiana during the 2005 direct strike of Hurricane Rita and the 2008 severe blows by Hurricane Gustov and Hurricane Ike. Satellite providers should also be required to carry the high definition signals of broadcasters, which they are refusing to carry now but misinforming the subscribers who complain that broadcasters are preventing such carriage.

Please associate this ex parte letter with the Commission's record in the proceedings referenced above.

Sincerely,

**HEBERT, SPENCER, CUSIMANO & FRY, LLP**



Charles L. Spencer, General Counsel  
Louisiana Association of Broadcasters

cc via email:

Commissioner Michael J. Copps  
Rick Chesson, Legal Advisor  
Lou Munson, President and CEO, Louisiana Association of Broadcasters